

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Claude E. Lydia, Jr., #282745,)	
)	C/A No. 1:11-0023-MBS-SVH
Plaintiff,)	
)	
vs.)	
)	O R D E R
Cherokee County Detention Center; Ms.)	
Henderson, Officer; Ms. Luna, Officer;)	
Ms. Blackwell, Officer; Mr. Lemmons,)	
Officer; Quintus White, Inmate,)	
)	
Defendants.)	
_____)	

Plaintiff Claude E. Lydia, Jr. is an inmate in custody of the South Carolina Department of Corrections. At the time of the underlying events, Plaintiff was a pretrial detainee at the Cherokee County Detention Center (CCDC). Plaintiff, proceeding pro se, filed a complaint on January 5, 2011, alleging that Defendants Henderson, Luna, Blackwell, and Lemmons were deliberately indifferent and failed to protect him from an attack by Defendant White, another inmate. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Shiva V. Rogers. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A. On February 16, 2011, the Magistrate Judge issued a Report and Recommendation in which she determined that Plaintiff's complaint failed to state a claim against Defendants CCDC and White. Accordingly, she recommended that these Defendants be summarily dismissed. On March 15, 2011, Plaintiff filed a letter in which he indicated that he is in agreement with the Magistrate Judge's recommendation to dismiss Defendants CCDC and White.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. For the reasons stated hereinabove and in the Report and Recommendation, Defendants CCDC and White are dismissed, without prejudice and without issuance and service of process. The within action is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

March 15, 2011.